



Honorable Mike K. Nakagawa
United States Bankruptcy Judge



Entered on Docket
June 29, 2021

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re	) Case No. BK-S-19-14796-MKN
GYP SUM RESOURCES MATERIALS, LLC	) Jointly Administered with Case No. BK-S-19-
	) 14799
<input type="checkbox"/> Affects Gypsum Resources Materials, LLC	) Chapter 11
<input type="checkbox"/> Affects Gypsum Resources, LLC	) ORDER GRANTING DERIVATIVE
X Affects all Debtors	) STANDING TO THE OFFICIAL
	) COMMITTEE OF UNSECURED
	) CREDITORS TO COMMENCE,
	) PROSECUTE, AND RESOLVE CERTAIN
	) CLAIMS AND CAUSES OF ACTION
	) Date of Hearing: June 16, 2021
	) Time of Hearing: 9:30 a.m.

The Court, having reviewed and considered the (i) Motion for Approval of Stipulation Granting Derivative Standing to the Official Committee of Unsecured Creditors to Commence, Prosecute, and Resolve Certain Claims and Causes of Action (the “Motion”); (ii) the Stipulation Granting Derivative Standing to the Official Committee of Unsecured Creditors to Commence, Prosecute and Resolve Certain Claims and Causes of Action attached as Exhibit A to the Motion (the “Stipulation”); (iii) and the Notice of Hearing and Order Shortening Time to Hear Motion for Approval of Stipulation Granting Derivative Standing to the Official Committee of Unsecured Creditors to Commence, Prosecute, and Resolve Certain Claims and Causes of Action (the “OST Motion”) at the hearing conducted on June 16, 2021; and with all the other findings set forth in the record at the hearing noted above incorporated herein; and this Court having jurisdiction to consider the Motion; the Court hereby finds (1) shortened notice of the Motion (as

previously approved pursuant to the order granting the OST Motion at Dkt. No. 1312) was good and sufficient as provided therein and under the circumstances; and (2) the relief requested in the Motion, including approval of the Stipulation which grants derivative standing to the Official Committee of Unsecured Creditors of Gypsum Resources Materials, LLC (the "Committee") to commence, prosecute, and resolve the certain claims and causes of action of Debtors Gypsum Resources Materials, LLC ("GRM") and Gypsum Resources, LLC ("GR"), including but not limited to claims and causes of action against those individuals and entities listed in Exhibit A to the Stipulation, is reasonable and appropriate under the circumstances.

IT IS HEREBY ORDERED that:

1. The Motion is hereby GRANTED in all respects, and the Stipulation is hereby approved.
2. The Committee is hereby granted derivative standing to assert and authorized to commence, prosecute, and resolve, on behalf of the Debtors' bankruptcy estates, the Derivative Causes of Action (as defined in the Stipulation) and the Avoidance Actions (as defined in the Motion), including but not limited to actions against those individuals and entities named in Exhibit A to the Stipulation, pursuant to the terms and conditions set forth in the Stipulation, and are authorized to take any and all steps deemed necessary to effectuate the terms of the Stipulation.

Prepared and submitted by:

TUCKER ELLIS LLP

By: /s/ Thomas R. Fawkes

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CERTIFICATION OF COUNSEL PURSUANT TO LR 9021

In accordance with Local Rule 9021, counsel submitting this document certifies as follows:

☐ The court has waived the requirement set forth in LR 9021(b)(1).

☐ No party appeared at the hearing or filed an objection to the motion.

☒ Counsel appearing at the hearing and waiving service

Robert Kinas, Esq. Counsel for Rep-Clark

Brett Axelrod, Esq. Counsel for Debtors

☐ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below:

☐ I certify that this is a case under Chapter 7 or 13 that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.